

By: Paul

H.B. No. 1724

Substitute the following for H.B. No. 1724:

By: _____

C.S. H.B. No. 1724

A BILL TO BE ENTITLED

AN ACT

relating to service as an election watcher.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.056(a), Election Code, is amended to read as follows:

(a) Except as provided by Section 33.057, a watcher is entitled to observe any activity conducted at the location at which the watcher is serving. A watcher is entitled to sit or stand ~~[conveniently]~~ near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by this chapter.

SECTION 2. Section 33.058, Election Code, is amended to read as follows:

Sec. 33.058. RESTRICTIONS ON WATCHER'S ACTIVITIES. (a) While on duty, a watcher may not:

(1) converse with the presiding judge, the alternate judge, or an election clerk ~~[officer]~~ regarding the election, except to call attention to an irregularity or violation of law, including a procedural mistake that cannot be reversed;

(2) converse with a voter; or

(3) communicate in any manner with a voter regarding the election.

(b) A watcher may call the attention of an election officer to any occurrence that the watcher believes to be an irregularity or

1 violation of law, including a potentially irreversible procedural
2 mistake, and may discuss the matter with the officer. An officer may
3 refer the watcher to the presiding judge [~~officer~~] at any point in
4 the discussion. In that case, the watcher may not discuss the
5 occurrence further with the subordinate officer unless the
6 presiding judge [~~officer~~] invites the discussion.

7 (c) If an election clerk disagrees with a watcher concerning
8 a matter discussed under Subsection (a)(1), the clerk may not
9 proceed with the voter involved in the matter until the presiding
10 judge provides clarifying instruction. If the presiding judge is
11 unavailable, the alternate judge may provide clarifying
12 instruction.

13 SECTION 3. Section 33.061(a), Election Code, is amended to
14 read as follows:

15 (a) A person commits an offense if the person serves in an
16 official capacity at a location at which the presence of watchers is
17 authorized and knowingly prevents a watcher from seeing or hearing
18 [~~observing~~] an activity the watcher is entitled to observe.

19 SECTION 4. Section 213.013(h), Election Code, is amended to
20 read as follows:

21 (h) Each person entitled to be present at a recount is
22 entitled to observe any activity conducted in connection with the
23 recount. The person is entitled to sit or stand [~~conveniently~~]
24 enough to see and hear the officers conducting the observed
25 activity and near enough to an officer who is announcing the votes
26 or examining or processing the ballots to verify that the ballots
27 are counted or processed correctly or to an officer who is tallying

1 the votes to verify that they are tallied correctly. Rules
2 concerning a watcher's rights, duties, and privileges are otherwise
3 the same as those prescribed by this code for poll watchers to the
4 extent they can be made applicable.

5 SECTION 5. The changes in law made by this Act apply only to
6 an offense committed on or after the effective date of this Act. An
7 offense committed before the effective date of this Act is governed
8 by the law in effect on the date the offense was committed, and the
9 former law is continued in effect for that purpose. For purposes of
10 this section, an offense was committed before the effective date of
11 this Act if any element of the offense occurred before that date.

12 SECTION 6. This Act takes effect September 1, 2021.